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*Attorneys for Defendants CVS Health Corporation and CVS Pharmacy, Inc.*

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

THURAYYAH Z. RICHARDSON,

Plaintiff,

vs.

CVS HEALTH CORPORATION and CVS  
PHARMACY, INC.,

Defendants.

Civil Action No. 22-CV-6074

**NOTICE OF REMOVAL**

TO THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF NEW YORK AND TO PLAINTIFF:

Defendants CVS Health Corporation and CVS Pharmacy, Inc. (“Defendants” or “CVS”), by and through their undersigned counsel Sheppard, Mullin, Richter and Hampton LLP, hereby provide notice pursuant to 28 U.S.C. §§ 1332, 1441 and 1446(a) (“Notice of Removal”) that they remove the claims pending in the case *Richardson v. CVS Health Corporation and CVS Pharmacy, Inc.*, Index No. 154591/2022, Supreme Court of the State of New York, New York County (the “State Court”) (hereinafter the “State Court Action”). Pursuant to 28 U.S.C. § 1446(a), this Notice of Removal is signed pursuant to Rule 11 of the Federal Rules of Civil Procedure.

This is a civil action over which this Court has original jurisdiction pursuant to 28 U.S.C. § 1332 because the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between citizens of different States. The following is a short, plain statement of the grounds for removal, and a listing of the pleadings to date.

## **I. BASIS FOR REMOVAL**

### **A. Background**

1. Plaintiff Thurayyah Z. Richardson (“Plaintiff”) filed the Summons and Complaint (with exhibits) on May 30, 2022 (the “Complaint”) in the State Court against Defendant.

2. In compliance with 28 U.S.C. § 1446(a), attached hereto are true and correct copies of the Summons and the Complaint. *See* Exhibit A. To Defendants’ understanding, to date, service of the Summons and Complaint was effectuated on June 17, 2022.

3. As of July 18, 2022, to Defendants’ knowledge, there have been no additional pleadings or papers filed with the State Court.

### **B. This Court Has Subject Matter Jurisdiction Based on Diversity of Citizenship**

#### **i. The Parties Are Completely Diverse**

4. Pursuant to 28 U.S.C. § 1332(a), this Court has original jurisdiction over all civil actions between “citizens of different States” where the “matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs.”

5. This Court has original jurisdiction over this case pursuant to 28 U.S.C. § 1332 as Plaintiff is completely diverse from Defendant.

6. Specifically, the parties to this action are citizens or subjects of the following states:

- a. Plaintiff Thurayyah Z. Richardson is an individual residing in New York County within the State of New York and purports to be a citizen thereof. (See Exhibit A at Complaint at ¶¶ 2, 14).
- b. Defendant CVS Health Corporation is a corporation incorporated in Delaware with a principal place of business in Rhode Island. (See Exhibit A at Complaint at ¶ 5.)<sup>1</sup>
- c. Defendant CVS Pharmacy, Inc. is a corporation incorporated in Delaware with a principal place of business in Rhode Island. (See Exhibit A at Complaint at ¶ 4.)

**ii. The Amount in Controversy Exceeds \$75,000**

7. Under diversity jurisdiction, removal of an action is proper where the aggregate amount in controversy exceeds \$75,000.00. See 28 U.S.C. § 1332(a). In its Complaint, Plaintiff includes a demand for “not less than five million dollars (\$5,000,000.00)” (See Exhibit A at Complaint at ¶¶ 40, 49, 53.) Therefore, by Plaintiff’s pleading, the amount in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and thus the amount in controversy exceeds the jurisdictional minimum of this Court.

8. The Notice of Removal “need include only a plausible allegation that the amount in controversy exceeds the jurisdiction threshold.” *Dart Cherokee Basin Operating Co., LLC v. Owens*, 135 S. Ct. 547, 554 (2014). The Defendant is *not* required to set forth evidence establishing the amount in controversy. *Id.*

**II. THIS NOTICE OF REMOVAL IS PROCEDURALLY CORRECT**

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<sup>1</sup> A corporation is a citizen of the state where it is incorporated and where its principal place of business is located. 28 U.S.C. § 1332(c)(1).

9. Timeliness. This Notice of Removal is timely filed in accordance with 28 U.S.C. § 1446. Here, Defendants were both served on June 17, 2022, so removal is timely and within the temporal limits set forth in 28 U.S.C. § 1446(b).

10. Location of District Court. Pursuant to 28 U.S.C. § 1441, this case may be removed to this Court because the United States District Court for the Southern District of New York (Daniel Patrick Moynihan, 500 Pearl Street location) includes the county in which this action is pending (New York County).

11. Joinder of Defendants. Pursuant to 28 U.S.C. § 1446(b)(2)(A), upon information and belief, no other parties have been joined and served as defendants in this action.

12. Notice of Removal. In accordance with 28 U.S.C. § 1446(d), Defendants will serve written notice of the removal of the State Court Action on Plaintiff via its counsel of record. In addition, Defendants will file a copy of this Notice of Removal with the Clerk of the Court for the State Court.

13. Exhibits. True and correct copies of all “process, pleadings, and orders” are attached hereto in compliance with 28 U.S.C. §1446(a). *See* Exhibit A.

14. In filing this Notice of Removal, Defendants do not waive any defense that may be available to them in this action.

#### **CONCLUSION AND REQUESTED RELIEF**

WHEREFORE, Defendants CVS Health Corporation and CVS Pharmacy, Inc. remove the original action brought by Plaintiff, now pending in the Supreme Court of the State of New York, New York County, from said state court to this District Court.

Dated: New York, New York  
July 18, 2022

Respectfully submitted,

**SHEPPARD, MULLIN, RICHTER & HAMPTON LLP**

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